



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
Diane Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2306172
Applicant Name: Mark Wettstone of PB Architects for LBJ Partners LLC
Address of Proposal: 124 Bellevue Avenue East

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a 6-story apartment building containing a lobby at ground level and 47 apartment units above. Parking for 62 vehicles to be provided in three levels below grade. Project includes future demolition of three single family residences and 11,000 cubic yards of grading.

The following approvals are required:

- **Design Review and Development Standard Departures**, pursuant to Chapter 23.41 Seattle Municipal Code.
- **SEPA - Environmental Determination**, pursuant to SMC Chapter 25.05.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

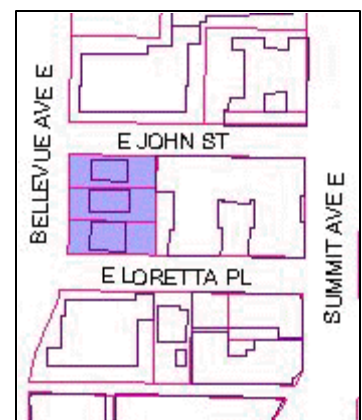
☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND

Site and Vicinity

The site is a corner lot, with street frontage on Bellevue Avenue E, E. Loretta Street and E. John Street. There is no alley in the block. Currently there are three single family homes on the site. The site slopes downward from east to west. The property is zoned Midrise (MR) with a 60-foot height limit.



Neighboring uses are multifamily. The site abuts the Biltmore Apartments, which is approximately 8-stories tall and was built in 1924. The exterior is adorned with brick masonry of varying color.

Public Comments

Public notice of the Master Use Permit application was published on June 17, 2004 and mailed to neighboring properties within 300 feet of the project site. The public comment period ended on June 30, 2004. Approximately 15 different people either sent in a letter or commented during the three public meetings leading up to this decision. Below is a summary of the comments received:

- *Rooftop Access*-Since open space was proposed on the roof, the neighbor wanted to know how it was going to be used, i.e. open to the entire building vs. one particular unit. The applicant stated that this open space would not be open to the entire building.
- *Finish Materials*-The planters appear to be shown as concrete with a brick cap. One neighbor suggested using an overhanging vine in the planters or a sealant on the concrete to prevent graffiti or at least provide for quick removal it.
- Another member of the public felt that brick was a more traditional material than siding. Thus, brick should be used on all of the planters as well as the entire building.
- *Respect for Adjacent Site*-Since the Biltmore Apartment building utilizes a courtyard adjacent to the east property line of the subject site, the proposed building should provide an adequate setback and modulation to maintain light into the space.
- *Architectural Context*-Masonry should be incorporated into the façade to reflect the context of the neighborhood. Metal siding is highly discouraged.
- *Access*-The surrounding neighbors would like to see the vehicular access off of Bellevue Avenue E. as E. John Street and E. Loretta Street are believed to be too narrow and could become a safety hazard. The proposed residential entry on the east side of the structure should also be moved to Bellevue Avenue E. to avoid heavy pedestrian traffic and noise along the existing courtyard for the Biltmore Apartments.
- *Landscaping*- Several trees are located along the east property line of the subject site. The neighboring residents would like to see these preserved as they enhance the quality of their open space.

In addition to the comments above, the general consensus from the public is that new development is encouraged for this site given the existing condition of the three single family residences occupying the property.

ANALYSIS – DESIGN REVIEW

Early Design Guidance meetings

During the first Early Design Guidance meeting on December 13, 2003, the architect presented site plans, massing diagrams, photos of the neighborhood, axonometric drawings, and elevations drawings. The diagrams represented the neighborhood context and adjacent massing conditions. Also, the architect explained that in response to topographic conditions, pedestrian access is proposed away from the street and behind the building.

The second Early Design Guidance meeting was held on February 18, 2004. In response to the previous guidance of the initial Early Design Guidance meeting, the architect provided some additional site plans and elevation drawings showing the proposed main pedestrian entry and vehicular access off of Bellevue Avenue East. Several elevation drawings were also presented to demonstrate different ways of providing modulation along the facades while respecting the adjacent site to the east on East Loretta Place.

During these meetings, the Board also took public comment concerning the proposal from citizens that were in attendance at the meeting. Following their deliberation, the West Seattle Design Review Board prioritized the following guidelines, identifying by letter and number those siting and design guidelines found in the City of Seattle's "*Design Review: Guidelines for Multifamily and Commercial Buildings*" of the highest priority to this project:

- A-1 Responding to Site Characteristics
- A-2 Streetscape Compatibility
- A-3 Entrances Visible from the Street
- A-5 Respect for Adjacent Sites
- A-6 Transition Between Residence and Street
- A-7 Residential Open Space
- A-8 Parking and Vehicle Access
- A-10 Corner Lots
- B-1 Height, Bulk and Scale Compatibility
- C-1 Architectural Context
- C-2 Architectural Concept and Consistency
- C-3 Human Scale
- C-4 Exterior Finish Materials
- D-1 Pedestrian Open Spaces and Entrances
- D-7 Personal Safety and Security
- E-3 Landscape Design to Address Special Site Conditions

DESIGN REVIEW BOARD RECOMMENDATIONS SUMMARY: JULY 7, 2004 MEETING

In response to the previous guidance of the Early Design Guidance meetings, the architect provided some additional site plans and elevation drawings showing the proposed main pedestrian entry and vehicular access off of Bellevue Avenue East. The applicant also provided

a front entry detail showing brick planters and enhanced window treatments. An overall material and color scheme was also presented to the Board to include hardi-board on the upper façades with a brick base.

The Architect highlighted some new features added to the design since the previous EDG meeting including private rooftop decks oriented towards Bellevue Avenue E. Another revision to the design includes a refined ground level open space plan on the east side of the site which respects the privacy of the adjacent Biltmore Apartments.

Departure from Development Standards:

Two departures had been requested at the time of this meeting and are listed below. The three Board members in attendance recommended **APPROVAL** of all of the requested departures pertinent to the project design presented at the July 7, 2004 final recommendation meeting.

SUMMARY OF DEPARTURE REQUESTS

Standard	Proposal	Rationale	Recommendation
The minimum depth of modulation shall be 8' for apartments, with a min. width of 10' and a max. of 40' in a MR zone. (23.45.054)	Reduce modulation requirements in some places to less than 8' in depth.	Building modulation in some cases does not meet the exact requirements of the development standards but the overall proposed layout exceeds the intent of the modulation standards.	Recommended approval.
Structure depth allowed is 65% of lot depth. = 61.75' (23.45.052.B.)	=72.00'	The proposed structure provides adequate modulation, and exceeds the requirement for a rear yard setback.	Recommended approval.

SUMMARY OF RECOMMENDATION

In general, the Board members in attendance indicated that the project met the Design Guidance which was prioritized at their previous meetings.

Therefore, after considering the proposed design and the project context and reconsidering the solutions presented in relation to the previously stated design priorities, all three of the Design Review Board members in attendance recommended **APPROVAL** of the subject design as presented at the July 7, 2004 meeting and recommended several conditions.

DIRECTOR'S ANALYSIS - DESIGN REVIEW

The Director has reviewed the Citywide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design. The Director also concurs with the conclusions of the Board that the project does meet the Citywide design guidelines. The Board members made the following recommendations:

- Lower the planter height at the southwest corner of the site to between 2'-3' in height to provide adequate site lines for pedestrians and an opportunity for informal seating.

- Orient the roof top decks towards Bellevue Avenue East in order to respect the adjacent apartment to the east and take advantage of views to the west. In addition, maintain the trellis feature on the private decks as shown in the elevations drawings presented at the recommendation meeting on 7/7/04.
- The design should use low level, well distributed lighting for pedestrian safety and minimal lighting spill over.

DECISION - DESIGN REVIEW

The Director accepts the Board's recommendations to approve the project design and the requested departures. Conditions listed at the end of this report are provided to ensure that the design details approved with this project are implemented through the construction process.

ANALYSIS - SEPA

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant and dated March 23, 2004, and annotated by this Department. This information in the checklist, supplemental information provided by the applicant (plans, including landscape plans), comments from members of the community, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part:

"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation (subject to some limitations)."

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Noise

In addition to the Noise Ordinance requirements in SMC 25.08, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays and Sundays from 9:00 a.m. to 6:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours.

Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. As a condition of this decision, the applicant will be required to submit a noise mitigation plan to DPD for review and approval before a change in allowable construction hours may occur. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

Grading

Approximately 11,000 cubic yards of grading is proposed for the construction of the below grade parking. The applicant has noted that cut will exceed fill, so any fill that is necessary will already be available onsite. If material is transported to or from the site, City code (SMC 11.74)

provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

Construction Parking

Construction of the project is proposed to last for approximately 12 months. On-street parking in the vicinity is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties.

Accordingly, the owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. It is expected that all workers will be able to park on-site once the parking garage phase is completed and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan. The plan shall identify approximate phases and duration of construction activities, haul routes to and from the site, address ingress/egress of trucks/personnel/equipment and construction worker parking. Thus, the construction phase transportation plan will be a condition of this decision. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.

Long-term Impacts

Long-term or use-related impacts are also anticipated from the proposal and include: potentially decreased water quality in surrounding watersheds; increased bulk and scale on the site; increased ambient noise due to increased human activity; increased demand on public services and utilities; increased light and glare; increased energy consumption, increased on-street parking demand. These long-term impacts are not considered significant because the impacts are minor in scope.

Parking

With this proposal, parking for 62 vehicles will be provided on-site for the apartments, when only 58 is required by the Land Use Code. However, the estimated peak parking demand for a 47-unit apartment building could be as high as 71 spaces (1.5 spaces per unit). Although there is potential for spillover parking of approximately 9 vehicles during peak parking demand, it is anticipated, given the availability of mass transit in the area and the proximity to downtown, that many residence of this proposed apartment will utilize the available bus routes or walk to their destination. Thus, a peak demand of 71 spaces appears to be a high estimation and rather unlikely for this project. With this in mind, the proposal will not adversely impact on-street parking during the hours of peak parking demand. Therefore, no mitigation is warranted under SEPA.

Height, Bulk & Scale

Since the Design Review Board and the Director have considered the potential height, bulk and scale impacts and acted to limit those impacts, the Director concludes that the negative impacts of height, bulk and scale have been adequately mitigated and no additional SEPA height, bulk and scale mitigation is warranted.

Other Impacts

Several adopted Codes and Ordinances and other Agencies will appropriately mitigate the other use-related adverse impacts created by the proposal. Specifically, these are the Puget Sound Clean Air Agency (increased airborne emissions); and the Seattle Energy Code (long-term energy consumption). The other impacts not noted here as mitigated by codes, ordinances, or conditions (increased ambient noise; increased pedestrian traffic, increased demand on public services and utilities) are not sufficiently adverse to warrant further mitigation by conditions.

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).

[] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

CONDITIONS - DESIGN REVIEW

Non-Appealable Conditions

1. Any proposed changes to the exterior of the building or the site or must be submitted to DPD for review and approval by the Land Use Planner (Bryan Stevens, 684-5045). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
2. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bryan Stevens, 684-5045), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
3. Embed all of these conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

Prior to Issuance of the Master Use Permit

4. Lower the planter height at the southwest corner of the site to between 2'-3' in height to provide adequate site lines for pedestrians and an opportunity for informal seating.
5. Orient the roof top decks towards Bellevue Avenue East in order to respect the adjacent apartment to the east and take advantage of views to the west. In addition, maintain the trellis feature on the private decks as shown in the elevations drawings presented at the recommendation meeting on 7/7/04.
6. The design should use low level, well distributed lighting for pedestrian safety and minimal lighting spill over.

During Construction:

7. All changes to the exterior facades of the building and landscaping on site and in the ROW must be reviewed by the Land Use Planner prior to proceeding with any proposed changes.

Prior to Issuance of a Certificate of Occupancy:

8. Compliance with the approved design features and elements, including exterior materials, roof pitches, facade colors, landscaping and ROW improvements, shall be verified by the DPD Planner assigned to this project. Inspection appointments with the Planner (Bryan Stevens, ph.206-684-5045) must be made at least 3 working days in advance of the inspection.

CONDITIONS - SEPA

Prior to issuance of any Construction or Grading Permits

9. The owner(s) and/or responsible party(s) shall secure DPD Land Use Planner or SDOT approval of construction phase transportation and pedestrian circulation plans. Appropriate SDOT and King County METRO participation in development of the plans shall be documented prior to approval. The plans shall address the following:
 - Ingress/egress and parking of construction equipment and trucks;
 - Truck access routes, to and from the site, for the excavation and construction phases;
 - Street and sidewalk closures;
 - Potential temporary displacement/relocation of any nearby bus stops.

During construction:

10. The owner(s) and/or responsible party(s) shall comply with the construction phase parking plan. A copy of that plan must be kept on-site.
11. All construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays and Sundays from 9:00 a.m. to 6:00 p.m.:
 - Surveying and layout;
 - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. These hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. The applicant will be required to submit a noise mitigation plan to DPD for review before a change in construction hours may occur. Periodic monitoring of work activity and noise levels may be conducted by DPD Construction Inspections.

Signature: (signature on file) Date: November 15, 2004
Bryan Stevens, Land Use Planner

BCS:bg

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